



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FCP/164302

PRELIMINARY RECITALS

Pursuant to a petition filed February 27, 2015, under Wis. Admin. Code § DHS 10.55, to review a decision by the Waukesha County Health and Human Services in regard to Medical Assistance, a hearing was held on April 16, 2015, at Milwaukee, Wisconsin.

There is no longer any issue for determination by the Division of Hearings and Appeals.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner's Representative:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Jefferlyn Harper-Harris, Quality Improvement Coordinator
Waukesha County Health and Human Services
514 Riverview Avenue
Waukesha, WI 53188

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

DISCUSSION

The Petitioner filed an appeal to contest a determination by the Milwaukee County Department of Family Care to end her Family Care benefits, despite the fact that an order to continue benefits was issued by the Division of Hearings and Appeals.

On the date of the hearing, April 16, 2015, the status of Petitioner's continuing benefits was clarified for the parties. Petitioner's Family Care enrollment ended because she was determined to be financially ineligible for long-term care benefits. Petitioner filed an appeal of that eligibility determination in case MGE-164303.

On March 5, 2015, the Division of Hearings and Appeals sent a letter to Waukesha County Health and Human Services (Waukesha County) to continue the Petitioner's Medicaid benefits pending the outcome of case MGE-164303. For reasons not made clear in the record, the Milwaukee County Department of Family Care was not made aware of that order.

The parties have agreed that until Petitioner's appeal is resolved in case MGE-164303, her Family Care benefits must continue. According to Petitioner's attorney, her benefits have been restored as ordered. As such, there is no longer any issue for determination by the Division of Hearings and Appeals and this appeal, for case FCP-164302, will be dismissed.

If I have misunderstood the situation, the Petitioner is directed to the rehearing instructions below.

CONCLUSIONS OF LAW

There is no longer any issue for determination by the Division of Hearings and Appeals.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

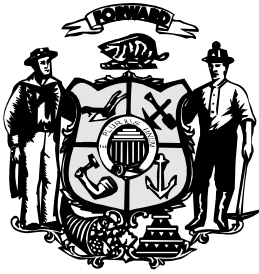
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 17th day of April, 2015.

sMayumi M. Ishii
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on April 17, 2015.

Waukesha County Health and Human Services
Office of Family Care Expansion
[REDACTED]